

STEVEN K. EISENBERG, ESQUIRE (75736)  
M. TROY FREEDMAN, ESQUIRE (85165)  
LESLIE J. RASE, ESQUIRE (58365)  
LEN M. GARZA, ESQUIRE (310577)  
CHRISTINA C. VIOLA, ESQUIRE (308909)  
ANDREW J. MARLEY, ESQUIRE (312314)  
STERN & EISENBERG, PC  
1581 MAIN STREET, SUITE 200  
WARRINGTON, PENNSYLVANIA 18976  
TELEPHONE: (215) 572-8111  
FACSIMILE: (215) 572-5025  
(COUNSEL FOR MOVANT)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In Re:

Christopher W. Bainbridge  
and Kelly J. Bainbridge

-----  
U.S. Bank National Association, as Trustee for  
the C-BASS Mortgage Loan Asset-Backed  
Certificates, Series 2007-CB6, by its attorney in  
fact Ocwen Loan Servicing, LLC.

v.

Christopher W. Bainbridge  
and Kelly J. Bainbridge  
Debtor(s)

Chapter 13

Bankruptcy Case: 10-09019

Judge Robert N. Opel II

***Motion of U.S. Bank National Association, as Trustee for the C-BASS Mortgage Loan Asset-Backed Certificates, Series 2007CB6, by its attorney in fact Ocwen Loan Servicing, LLC. (hereinafter referred to as "U.S. Bank National Association, by its attorney in fact Ocwen Loan Servicing, LLC.") For Relief from the Automatic Stay under 11 U.S.C. UNDER §362(d) (and 11 USC §1301) With Respect to Property: 25 5th Street, Hawley, PA (the "Property")***

U.S. Bank National Association, by its attorney in fact Ocwen Loan Servicing, LLC., through its Counsel, Stern & Eisenberg PC, respectfully requests the Court grant its Motion for Relief and in support thereof respectfully represents as follows:

1. Movant is U.S. Bank National Association, as Trustee for the C-BASS Mortgage Loan Asset-Backed Certificates, Series 2007CB6, by its attorney in fact Ocwen Loan Servicing, LLC with a place of business located at 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409.
2. Debtor(s) are Christopher W. Bainbridge and Kelly J. Bainbridge (hereinafter "Debtor(s)"), adult individuals whose last-known address is 25 Fifth Street, Hawley, PA 18428.
3. On 03/28/2007, Debtor(s) signed a note and mortgage in the principal sum of \$120,000.00, evidencing a loan from MERS, as Nominee for Imperial Lending, LLC in the same amount, secured by the Property, as evidenced by a mortgage duly recorded at the Recorder of

Deeds for Wayne County on 04/03/2007 in Book # 3266 Page # 77 Instrument # 200700003462.

4. By Assignment of Mortgage, the loan was ultimately assigned to U.S. Bank National Association, as Trustee for the C-BASS Mortgage Loan Asset-Backed Certificates, Series 2007-CB6.
5. In order to delay the continuance or institution of foreclosure proceedings and impede U.S. Bank National Association, by its attorney in fact Ocwen Loan Servicing, LLC.'s rights, Debtor(s) instituted the instant Bankruptcy.
6. Debtor filed the instant Chapter 13 Bankruptcy on November 4, 2010 and as a result, any State Court proceedings were stayed.
7. It is believed and therefore averred that Debtor(s) filed the instant bankruptcy as an additional delay in order to prevent Movant from proceeding with the State Court proceedings or otherwise institute proceedings as allowed under the Mortgage.
8. Debtor(s) are required to make post-petition payments after the filing, but have failed to make the following payments (and all subsequent payments):
  - i. Monthly payments in default since:.....02/01/2013
  - ii. Monthly payments (\$1,602.25/month): .....\$9,613.50
  - iii. Monthly late Charge (\$54.84/month): .....\$329.04
  - iv. Suspense Balance.....\$-1,461.36
  - v. Attorney Fees and Cost for Motion for Relief:....\$826.00
  - vi. Total post-petition arrears:.....\$9,307.18
9. As a result of the Debtor(s)' default and failure to make payments or to otherwise fail to adequately provide for U.S. Bank National Association, by its attorney in fact Ocwen Loan Servicing, LLC. in the bankruptcy filing, U.S. Bank National Association, by its attorney in fact Ocwen Loan Servicing, LLC. is not adequately protected and is entitled to relief.
10. To the extent the Court does not find that relief is appropriate, then Movant requests that the stay be conditioned such that in the event the Debtor(s) fails behind on post-petition payments or trustee payments that U.S. Bank National Association, by its attorney in fact Ocwen Loan Servicing, LLC may receive relief upon default by the Debtor(s) of the terms of the conditional order.
11. Movant requests that the stay of Bankruptcy Rule 4001 (a)(3) be waived.
12. Movant requests that the requirements of Rule 3002.1 should not apply to Movant and Debtor(s) will not be considered current with Movant at the conclusion of the instant case

WHEREFORE, Movant, U.S. Bank National Association, by its attorney in fact Ocwen Loan Servicing, LLC. respectfully requests this Court to grant the appropriate relief under 11 U.S.C. §362 (and 11 USC §1301) from the automatic stay as set forth in the proposed order.

Respectfully submitted,

STERN & EISENBERG PC

BY: /s/Leslie J. Rase, Esquire  
☐ STEVEN K. EISENBERG, ESQUIRE  
☐ M. TROY FREEDMAN, ESQUIRE  
☐ LESLIE J. RASE, ESQUIRE  
LRase@sterneisenberg.com  
Stern & Eisenberg, PC  
1581 Main Street, Suite 200  
Warrington, Pennsylvania 18976  
(215) 572-8111  
Fax: (215) 572-5025  
Counsel for Movant